Alberta
ENVIRONMENT

ENFORCEMENT OF THE

ENVIRONMENTAL PROTECTION AND ENHANCEMENT ACT

And

WATER ACT

1 Jul 2005 - 30 Sep 2005

October 2005
Regional Services
Alberta Environment

Alberta
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Enforcement Actions

1 Jul 2005 - 30 Sep 2005

Company/Individual	Municipality / LLD	Decision Date/ Penalty	Act/ Regulation	Comments / Disposition
Administrative Penalties				
Praxair Canada Inc.	Lacombe County Plan 9221575, Block 1, Lot 4	07-Jul-05 Assessed: $8,500.00	AEPEA(R) 110 181/00 2(1)	The Company owns and operates an air separation facility. It released or permitted the release of an ozone-depleting substance (Freon) into the environment without an approval; and being a person who releases or causes or permits the release of a substance into the environment that has caused, is causing or may cause an adverse effect, fail to, as soon as that person knows or ought to know of the release, report it to the Director. Paid 7 October 2005.
Fluid Experts Ltd. (formerly R D Flush Systems Ltd.)	Red Deer County SE-25-38-28-W4	19-Jul-05 Assessed: $1,500.00	AEPEA(R) 176	The Company operated an oilfield tank and truck washing facility under the name of R D Flush Systems Ltd. It disposed of waste other than at a waste management facility that is the subject of an approval, registration or notice, or in accordance with the written authorization of the Minister. Paid 27 July 2005.
Mesken Contracting Limited	Wheatland County NW-33-21-25-W4	03-Aug-05 Assessed: $2,500.00	WA 142(1)(o) 142(1)(e)	The Company conducted work on an upgrade project under which they were issued a licence for the temporary diversion of water for commercial purposes. The Company failed to ensure that a copy of the Licence authorizing the diversion of water was kept in the vehicle transporting the water and failed to submit the monitoring data to the Director within 30 days of the completion of the water diversion. Notice of Appeal received by fax at the Environmental Appeal Board 23 June 2005. Amended Notice of Administrative Penalty issued 3 August 2005. Paid 11 August 2005.
Sundre Forest Products Inc. (formerly Sunpine Forest Products Ltd.)	Mountain View County NW-31-32-5-W5	16-Aug-05 Assessed: $1,500.00	AEPEA(R) 67(1)	The Company operates the Sundre Wood processing plant pursuant to an Approval. It made a change to machinery, equipment or process that is related to the carrying on of an activity, being the construction of the fifth drying kiln, at the plant prior to receipt of an approval amendment issued by the Director. Paid 8 September 2005.
New West Fluid Management Inc.	County of St. Paul SE-27-56-3-W4	21-Sep-05 Assessed: $4,000.00	WA 142(1)(n)	The Company commenced or continued to divert water from Frog Lake without a licence. Paid 26 September 2005.

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Administrative Penalties				
995778 Alberta Ltd. and Sochatsky, Simon Patrick	Strathcona County Plan 851AV, Block X-Y Plan 2369KS, Block C	22-Sep-05 Assessed: $5,500.00	WA 36(1)	The Company is the registered owner of the industrially-zoned lands and Mr. Sochatsky is the owner and operator of Mac-Sie Sales & Rentals Ltd. The parties undertook "activities" without having obtained the required approvals. In particular, the filling in to grade level a portion of Gold Bar Creek and its tributary, the construction of new channels, and the filling in of portions of the wetland, all of which altered, may alter or may become capable of altering the flow or level of water, or changed, may change or may become capable of changing the location or direction of water flow. Paid 28 September 2005.

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Amended Environmental Protection Orders

Company/Individual	Municipality / LLD	Decision Date/ Penalty	Act/ Regulation	Comments / Disposition
Canadian National Railway Company		16-Aug-05	AEPEA(R) 113	Amending EPO-2005/12-CR: The Company shall develop a comprehensive plan for substance management, shoreline clean-up, remediation of the substance release, waste management, and monitoring of the effects of the substances on the lake. The Comprehensive Plan shall contain a Water Surface Management Plan, a Shoreline Plan, a Delineation Plan, a Initial Remediation Plan, a Detailed Remediation Plan, a Short-term Monitoring Plan, a Long-term Monitoring Plan, and a Long-term Communication Strategy.
Tartan Energy Inc.	Sturgeon County 21-57-25-W4 16-57-25-W4	12-Sep-05	AEPEA(R) 243	Amending EPO-2005/04-NR: Clause 4 is amended by deleting "September 14, 2005" and replacing it with December 1, 2005". Clause 7 is amended by deleting "September 14, 2005" and replacing it with "December 1, 2005".

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Emergency Environmental Protection Orders

No Activity

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Company/Individual	*Municipality / LLD*	*Decision Date/ Penalty*	*Act/ Regulation*	*Comments / Disposition*
995778 Alberta Ltd. and Sochatsky, Simon Patrick	Strathcona County Plan 2369KS, Block C Plan 851AV, Block X-Y Plan 851AV, Block X&Y	08-Sep-05	WA 36(1)	The Company is the registered owner of the lands and Mr. Sochatsky is the owner and operator of Mac-Sie Sales & Rentals Ltd. Alberta Environment received information regarding unauthorized grading activities on the lands. An excavator had been taken along the banks of the creek to remove garbage, and in doing so they had seriously damaged the banks of the creek such that the banks caved in; a portion of the tributary had been filled in to create an access road from one side of the lands to the other; neither channel had been properly engineered or constructed; fill material had been brought in to grade and level the lands, and during the grading work, soil fill and vegetative material had been pushed out on to the wetland. No approvals were issued by Alberta Environment for these activities. The placement of a bridge over the creek and the construction of the dirt road crossing over the tributary are watercourse crossings and do not comply with the requirements of the Code of Practice for Watercourse Crossings, and none of the notice requirements in the Code were complied with. Remedial works are required to restore the creek, tributary, and wetland to their pre-disturbance conditions, and to remove the improperly constructed watercourse crossings. The parties shall immediately cease all activities; submit and implement a Remedial Plan; provide 2 days notice of the commencement of the work in the Remedial Plan; provide written status reports every two weeks; and submit a final written report.

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Enforcement Orders for Waste

No Activity

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Environmental Protection Orders

Company/Individual	Municipality / LLD	Decision Date/ Penalty	Act/ Regulation	Comments / Disposition
Canadian National Railway Company		05-Aug-05	AEPEA(R) 113	The Company had a train derailment which involved approximately 28 rail cars coming off the tracks. The rail cars contained lubrication oil, toluene, and bunker oil. Between 12-15 of the bunker oil rail cars ruptured or were punctured and began releasing bunker oil onto the ground and the rail car containing lubrication oil also ruptured and leaked its contents. The Company reported the release. An unknown amount of the substances were released onto the ground and the Company attempted to dig dykes and contain the released substances to the upland area, however the substances traveled away from the site and entered the water of Wabamun Lake, creating a plume in the water. The substances are causing, have caused, or may cause an adverse effect on the environment. The Company shall immediately take all necessary steps to contain the substances, remove the substances from all soils and water, and remediate any soil, surface or groundwater that has come or will come into contact with the substances to the standards set by the Director; provide daily written reports to the Director; provide daily reports to the general public; release the daily public reports from the on-Site Company Command Centre at Wabamun; and submit to the Director a final report within seven days of the completion of the remedial action completed in compliance with this Order.

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Prosecutions

Company/Individual	Municipality / LLD	Decision Date/ Penalty	Act/ Regulation	Comments / Disposition
Ivanhoe Cambridge I Inc.		15-Jul-05 Penalty: $80,500.00	AEPEA 192/96 11(1)(c)	Count 1: Amended 15 July 2005 to read as follows: On or about the 2nd day of August, 2001, at or near the City of Calgary in the Province of Alberta, did unlawfully fail to store hazardous waste, to wit: transformer oil containing polychlorinated biphenyls, in an amount and in a manner so that at least secondary containment is provided for liquid hazardous waste, and there are no openings in the secondary containments system that provide a direct connection to the openings in the secondary containment system that provide a direct connection to the area surrounding the system, and did thereby commit an offence contrary to Section 11(1)(c) of the Waste Control Regulation, A.R. 192/96. Pled guilty to this amended count on 15 July 2005. The Company was sentenced to a fine of $70,000 and a 15% victim fine surcharge for a total penalty of $80,500. Fine paid 21 July 2005.
Hub Oil Company Ltd.	Calgary Plan 5527HK, Lot 1	21-Jul-05	CC 180(1)(a)	Indictment Count 8: On or about the 9th day of August A.D. 1999, at or near Calgary, in the Province of Alberta, did commit a common nuisance and thereby endangered the lives, safety, or health of the public, contrary to Section 180(1)(a) of the Criminal Code of Canada. Pled guilty 6 June 2005. See global sentence on Count 1.
Hub Oil Company Ltd.	Calgary Plan 5527HK, Lot 1	21-Jul-05 Penalty: $400,000.00	CC 180(1)(b)	Indictment Count 1: That it, on or about the 9th day of August A.D. 1999, at or near Calgary, in the Province of Alberta, did commit a common nuisance and thereby caused physical injury to a person, to wit: Ryan Eckhard, contrary to Section 180(1)(b) of the Criminal Code of Canada. Pled guilty 6 June 2005. Sentenced to a global penalty of $400,000 consisting of a fine of $200,000, $100,000 for the purpose of two bursaries at SAIT in workplace safety (one in memory of Ryan Eckhart and one in memory of Ryan Silver), and a $100,000 trust fund to be used exclusively for educating the four children left by the two deceased.
Hub Oil Company Ltd.	Calgary Plan 5527HK, Lot 1	21-Jul-05	CC 180(1)(b)	Indictment Count 2: On or about the 9th day of August A.D. 1999, at or near Calgary, in the Province of Alberta, did commit a common nuisance and thereby caused physical injury to a person, to wit: Ryan Silver, contrary to Section

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Company/Individual	Municipality / LLD	Decision Date/ Penalty	Act/ Regulation	Comments / Disposition
Prosecutions				
				180(1)(b) of the Criminal Code of Canada. Pled guilty 6 June 2005. See global sentence on Count 1.
Fabian, Patrick operating as Fabian Seed Farms		27-Jul-05 Penalty: $6,150.00	AEPEA(R) 163(1)	Count 1: On or about the 30th day of May, 2003, at or near Tilley in the Province of Alberta, did distribute, use, apply or handle a pesticide, otherwise than in accordance with the regulations with respect to that pesticide or the label for that pesticide and did thereby commit an offence contrary to Section 163(1) of the provincial Environmental Protection and Enhancement Act. Mr. Fabian pled guilty 27 July 2005 and was sentenced to a fine of $3,450.00. In addition, he is to pay $2,700.00 to Alberta Environment, Southern Region for the cost of expert evidence and analyzing samples.
Lovell, Greg		03-Aug-05 Penalty: $3,500.00	AEPEA(R) 227(a)	Count 1: On or about the 9th day of October, 2003 at or near Stettler in the Province of Alberta, did unlawfully and knowingly provide false or misleading information, to wit: a custom application field information form bearing the notation "sprayed by Wallace McComish," pursuant to a requirement under the Environmental Protection and Enhancement Act to provide information, and did thereby commit an offence contrary to Section 227(a) of the Environmental Protection and Enhancement Act. Pled guilty 3 August 2005 and was sentenced to a fine of $3,500.00.
Lovell, Greg		03-Aug-05 Penalty: $3,500.00	AEPEA(R) 61	Count 6: On or between the 1st day of May, 2003 and the 1st day of July, 2003, at or near Stettler in the Province of Alberta did unlawfully commence or continue any activity that is designated by the regulations as requiring an approval or registration, to wit: offer or provide a service involving the use or application of a pesticide for hire or reward, without being the holder of a valid pesticide service registration, contrary to Section 7(1) of the Pesticide (Ministerial) Regulation, A.R. 43/97, and did thereby commit an offence contrary to Section 61 of the Environmental Protection and Enhancement Act. Pled guilty 3 August 2005 and was sentenced to a fine of $3,500.00.

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		Tickets		
No Activity				

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Warning Letters				
Footner Forest Products Ltd.	MD of MacKenzie 12-109-20-W5	13-Jul-05	AEPEA(R) 227(e)	The Company operates the Oriented Strand Board Plant pursuant to an Approval. It contravened its Approval when it submitted the 2004 Annual Summary and Evaluation Report late; and submitted the monthly air report for February 2005 late.
Dynamic Oil & Gas, Inc.	Sturgeon County 6-53-26-W4	28-Jul-05	AEPEA(R) 227(e)	The Company operates the St. Albert sour gas plant pursuant to an Approval. It contravened its Approval by submitting the 2004 Annual Industrial Wastewater and Runoff Report late; and failed to immediately report by telephone this contravention of the terms and conditions of the approval.
Grynn Contracting Ltd.	Bonnyville Plan 8942201, Block 1, Lot 8	28-Jul-05	AEPEA(R) 83.1	The Company operated an asphalt paving plant without a required registration under the Code of Practice for Asphalt Paving Plants.
Harvest Operations Corp.	Northern Sunrise County 29-86-9-W5	28-Jul-05	AEPEA(R) 227(e)	The Company operates the Red Earth thermal electric power plant pursuant to an Approval. It contravened its Approval by submitting the 2004 Annual Air Emissions report late and failing to immediately report by telephone this contravention of the terms and conditions of the approval.
Harvest Operations Corp.	Northern Sunrise County 36-86-11-W5	28-Jul-05	AEPEA(R) 227(e)	The Company operates the thermal electric power plant at the Evi Oil Battery pursuant to an Approval. It contravened its Approval by submitting the 2004 Annual Air Emissions report late and failing to immediately report by telephone this contravention of the terms and conditions of the approval.
Kostek, Adam	Lethbridge Plan 6283S, Block 20, Lot 8	28-Jul-05	AEPEA(R) 192/96 18	Mr. Kostek improperly stored a hazardous recyclable (used motor oil).
Weitzel, Kevin	Edmonton Plan 1659TR, Lot 3	09-Aug-05	WA 36(1)	Mr. Weitzel conducted an "activity", shoreline modifications by placing soil onto the bed and shore, as well as on the ice on Lake No. 8., without prior authorization.

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Warning Letters				
Municipal District of Rocky View No. 44	Calgary NW-4-24-2-W5	12-Aug-05	AEPEA(R) 227(e)	The Municipal District and the Company released untreated wastewater (sewage) from the force-main into the side channel of the Elbow River and failed to report the release.
J.T. Setters & Sons Construction Ltd.	Red Deer Plan 7063KS, Block 41, Lot 4	16-Aug-05	AEPEA(R) 110(1)	The Company failed to immediately report the spill of diesel fuel that subsequently entered into the Waskasoo Creek.
Parkland Agri Services Corp.	Stettler Plan 9524556, Block 56, Lot 12&13	01-Sep-05	AEPEA(R) 109(2)	The Company released anhydrous ammonia into the environment.
Hanger, Art and Brar, Armagit Singh and Sbert, Pedro	Calgary Plan 2474JK, Block 5, Lot 17	06-Sep-05	WA 36(1)	This individual placed dry fill in a wetland area without an approval.
Kernick, Frankin and Spring Creek Mountain Village Inc. (formerly Restwell Trailer Park & Cabins (2002) Ltd.)	Canmore Plan 8411308, Lot A-D	06-Sep-05	AEPEA(R) 61	This relates to the operation of a waterworks system, without an approval or registration, and the provision of water for potable use from that system without treatment and disinfection, which resulted in the issuance of an Executive Officer's Boil Water Order by the Calgary Heath Authority.
Ferus Gas Industries Inc.	Cypress County 11-20-1-W4	29-Sep-05	AEPEA(R) 227(e)	The Company operates the Empress CO2 Liquefaction facility pursuant to an Approval. It contravened its Approval by submitting the 2004 Annual Air Summary and Evaluation Report late, submitting the 2004 Annual Industrial Wastewater Summary and Evaluation Report late; and failing to immediately report by telephone the contraventions of these terms and conditions of the Approval.
Telus Communications Inc.	Calgary Plan 5380V, Block 207, Lot 1-16	30-Sep-05	AEPEA(R) 227(e)	The Company operates the Calgary thermal electric power plant pursuant to an Approval. It contravened it Approval by submitting the 2004 Annual Air Emission Report late, and failing to immediately report by telephone the contravention of this term of the approval.

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Water Management Orders

No Activity